

Message Text

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ACTION L-03

INFO OCT-01 ARA-11 ADP-00 COA-02 EB-11 CIAE-00 DODE-00

PM-09 H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01

SS-15 USIA-12 ACDA-19 CG-00 COME-00 DOTE-00 FMC-04

IO-12 JUSE-00 OMB-01 INT-08 RSR-01 /136 W

----- 088090

R 021816 Z MAY 73

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 7313

INFO AMEMBASSY LIMA

AMCONSUL GUAYAQUIL

C O N F I D E N T I A L QUITO 2297

E. O. 11652: GDS

TAGS: PBOR, EFIS, EC

SUBJECT: ECUADOREAN LOS POLICY

1. SUMMARY: THE UNDER SECRETARY OF THE MINISTRY OF NATURAL RESOURCES FAVORS FREE PASSAGE BEYOND 12 MILES WITHIN THE ECUADOREAN- CLAIMED TERRITORIAL SEA. HE SEES A 200 MILE TERRITORIAL SEA AS NECESSARY TO PROTECT ECUADOR' S CLAIM TO THE ECONOMIC RESOURCES OF THE SEABED BELIEVING THAT THE PATRIMONIAL SEA CONCEPT IS DEFICIENT IN THIS RESPECT. END SUMMARY

2. ON APRIL 27, EMBOFF DISCUSSED WITH THE UNDER SECRETARY FOR FISHERIES OF THE MINISTRY OF NATURAL RESOURCES, NAVY CDR. RODRIGO RIVADENEIRA, HIS PUBLIC STATEMENT OF APRIL 26 ON GOE LOS POLICY. (THIS STATEMENT WAS REPORTED IN QUITO 2249.)

3. IN RESPONSE TO QUESTIONING, RIVADENEIRA MADE TWO POINTS:

A) FREE PASSAGE: HE SAID THAT THERE IS AWAITING
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THE SIGNATURE OF THE PRESIDENT A DECREE WHICH WOULD AUTHORIZE FREE PASSAGE BEYOND 12 MILES WITHIN THE ECUADOREAN- CLAIMED TERRITORIAL SEA. (FOR A SEPARATE REPORT ON THIS REPORTED DECREE SEE QUITO 2207.) HE STATED THAT HE FAVORED THIS DECREE AND THE ECUADOREAN NAVY WAS NOT OPPOSED TO IT. INDEED HE CLAIMED THAT THE NAVY HAD PROPOSED IT.

B) TERRITORIAL SEA VS. PATRIMONIAL SEA: COMMANDER RIVADENEIRA SAID THAT THE GOE IS HOLDING TO ITS CLAIM OF A TERRITORIAL SEA OUT TO 200 MILES DESPITE THE FACT THAT THIS DECREE ON FREE PASSAGE MAKES ITS POSITION RESEMBLE THAT OF A PATRIMONIAL SEA BECAUSE THE GOE IS PRINCIPALLY CONCERNED WITH THE NATURAL RESOURCES IN THE WATER COLUMN, AND ON AND BELOW THE SEABED. HE SAID THAT THE PATRIMONIAL SEA CONCEPT (OR OTHERS SUCH AS SPECIAL ECONOMIC ZONES ETC.) DID NOT PROVIDE SATISFACTORILY FOR COASTAL STATE CONTROL OF THE RESOURCES OF THE SEABED BUT ONLY OF THE WATER COLUMN.

4. COMMENT: COMMANDER RIVADENEIRA' S FAVORABLE COMMENTS ABOUT THE PROPOSED DECREE ON FREE PASSAGE AND PARTICULARLY THE NAVY' S ATTITUDE TO IT ARE MORE ENCOURAGING THAN THOSE WE REPORTED IN OUR 2207. SINCE RIVADENEIRA' S KNOWLEDGE IS PROBABLY MORE DIRECT, WE TEND TO GIVE MORE WEIGHT TO HIS REPORT THAN TO OUR PREVIOUS ONE. THIS STILL LEAVES US WITH THE QUESTION OF WHY THE DECREE HAS BEEN SO LONG IN PROCESS.

5. TWO POSSIBLE QUESTIONS ARISE: A) WHY SHOULD THE GOE MAKE SUCH A CONCESSION BEFORE THE LOS CONFERENCE? B) WHY MIGHT THE GOE RISK PUTTING ITSELF IN THE POSITION OF BEING VULNERABLE TO THE CHARGE OF SURRENDERING OR COMPROMISING A PART OF THE COUNTRY' S SOVEREIGNTY? THERE IS A TRADITION IN ECUADOR, WHICH THE PRESENT REGIME IS CONTINUING, OF CURRENT GOVERNMENTS ACCUSING PREVIOUS ADMINISTRATIONS OF MALFEASANCE AND MISFEASANCE. WITHOUT DOUBT MANY PERSONS WHO ARE PRESENTLY OFFICIALS OF THE GOE ARE GIVING A THOUGHT TO HOW THEIR CONDUCT MAY APPEAR TO A FUTURE GOVERNMENT. HENCE, ALTHOUGH HIGH OFFICIALS OF THE MILITARY GOVERNMENT MAY FAVOR THE

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DECREE, ITS ACTUAL SIGNATURE IS NOT A FOREGONE CONCLUSION.

6. COMMANDER RIVADENEIRA' S COMMENTS ON WHY THE GOE IS INSISTENT ON A 200 MILE TERRITORIAL SEA AND ON WHAT IS WRONG WITH THE PATRIMONIAL SEA IDEA ARE INTERESTING BECAUSE OF THEIR ECONOMIC RATHER THAN NATIONALIST BASIS.

BURNS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973QUITO02297
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GDS
Errors: n/a
Film Number: n/a
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730533/aaaahijp.tel
Line Count: 118
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 18 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18-Jan-2002 by martinjw>; APPROVED <07 FEB 2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971113
Subject: ECUADOREAN LOS POLICY
TAGS: EFIS, EC, PBOR
To: GUAYAQUIL
L
LIMA
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005